

REMARKS

In the March 8, 2005 Office Action, the Examiner noted that claims 1-5 were pending in the application and rejected claims 1-5 under 35 USC § 102(b) as anticipated by U.S. Patent 6,000,053 to Levine et al. (Reference A). Claim 6 has been added and thus, claims 1-6 remain in the case. The Examiner's rejections are traversed below.

Examiner Interview

The undersigned wishes to thank the Examiner and the Primary Examiner for the opportunity to discuss the differences between the claimed invention and Levine et al. at the Examiner Interview on May 20, 2005.

During the Examiner Interview, the Primary Examiner asked whether there is any advantage to send the redundant data packets as equal-sized packets. There may be several possible advantages. One is that variable-length packets require that either the header or the end-of-packet indicator be received successfully to determine that all of the data was received. Use of equal-length packets improves the ability of the receiver to determine the boundaries of packets. This is particularly helpful in a noisy environment, which is often encountered by wireless systems.

Rejections under 35 § USC 102(b)

In item 2 on pages 2-5 of the Office Action, claims 1-5 were rejected under 35 USC § 102(b) as anticipated by Levine et al. As discussed at the May 20, 2005 Examiner Interview, claim 1 recites "converting **at the transmitter**, after said transmitting of the data packets, redundant packets into n equal-sized redundant packets" (claim 1, lines 6-7, emphasis added) and "obtaining ...the reproduced data packets from the equal-sized reconstructed data packets, the end-of-the packet information and at least one equal-sized redundant packet received from the transmitter to replace the at least one lost packet" (claim 1, last four lines). On the other hand, Levine et al. discloses that "**target computer system 225 reconstructs the lost data packet 380 by executing an inverse of the parity generation steps**" (column 5, lines 3-5, emphasis added). Thus, in Levine et al. the "target computer system", i.e., the receiver of the data, adds padding to the data if needed to equal the length of the longest data packet as one of the operations in reconstructing the lost data packet, but there is no suggestion in Levine et al. that an equal-sized packet is transmitted from the transmitting computer system 222 to the target computer system 225. As a result, in Levine et al. the reconstruction of the lost data packet does not

involve "at least one equal-sized redundant packet received from the transmitter to replace the at least one lost packet" (claim 1, last two lines). Therefore, as discussed at the Examiner Interview, Levine et al. does not anticipate claim 1 or claims 2-4 which depend therefrom.

Furthermore, claim 3 recites that "the end-of-packet information is provided by a flag byte at the end of each data packet" (claim 3, lines 1-2). As discussed at the Examiner Interview, Levine et al. discloses use of a header that defines the length of the data and there is no suggestion in Levine et al. of using a flag byte as recited in claim 3. For these additional reasons, it is submitted that claims 3 and claim 4 which depend therefrom further patentably distinguishes over Levine et al. taken alone.

Claim 5 recites "a transmitter to form and transmit data packets with end-of-packet information prior to generating redundant packets" (claim 5, lines 3-4). As discussed above and during the Examiner Interview, Levine et al. does not disclose a transmitter generating redundant packets. Furthermore, claim 5 recites that the receiver "expand[s] the data packets with the aid of padding information to form equally long data packets before the end-of-packet information is removed" (claim 5, last 2 lines). When the end-of-packet information is a flag byte, this provides the benefit of simplifying the process of determining where the padding information starts, so that it can be removed easily. No suggestion has been cited or found in Levine et al. that the header is removed after "form[ing] equally long data packets" (claim 5, last 2 lines). For at least these reasons, it is submitted that claim 5 patentably distinguishes over Levine et al.

New Claim 6

Claim 6 is an apparatus claim that has been added to recite at least one distinguishing feature of the present invention over Levine et al. As in the case of the method recited in claim 1, claim 6 recites that it is "a transmitter ... generating redundant equal-sized packets" (claim 6, lines 3-4), not a receiver. In addition, it is "a receiver ... , if a data packet was not received successfully and can be reconstructed, reconstructing the data packet using at least a corresponding redundant equal-sized packet received from the transmitter" (claim 6, last three lines). As discussed above with respect to claim 1, Levine et al. does not disclose either a transmitter or a receiver that operates in the manner recited in claim 6. Therefore, it is submitted that claim 6 patentably distinguishes over Levine et al.

Summary

It is submitted that Levine et al. does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-4 and 6 are in a condition suitable for allowance. Entry of the Amendment, reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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